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CENTRAL FAX CENTER****JAN 27 2006****MARTIN & FERRARO, LLP
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FACSIMILE TRANSMITTAL

TO:**Name:** Mail Stop RCE
Art Unit 3764/Examiner Michael Brown**Firm:** U.S. Patent & Trademark Office**Fax No.:** 571-273-8300**Subject:** U.S. Patent Application No. 10/047,545

Gary Karlin Michelson

Filed: January 16, 2002

**THREADED FRUSTO-CONICAL INTERBODY
SPINAL FUSION IMPLANTS**

Attorney Docket No. 101.0053-01000

Customer No. 22882

Confirmation No.: 4993

FROM:**Name:** Thomas H. Martin**Phone No.:** 330-877-2277**No. of Pages (including this):** 18**Date:** January 27, 2006**Confirmation Copy to Follow:** NO

Message:**CERTIFICATE OF TRANSMISSION UNDER 37 CFR 1.8**

I hereby certify that the attached Transmittal Form (in duplicate; \$1,690.00 total amount to cover the \$900 third-month extension fee and \$790 RCE fee is to be charged to Deposit Account No. 50-3726), Request for Continued Examination (RCE), Amendment, and Information Disclosure Statement with Form PTO-1449 are being facsimile transmitted to the U.S. Patent and Trademark Office on January 27, 2006.


Sandra L. Blackmon

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FORM PTO-1083

Attorney Docket No.: 101.0053-01000
Customer No. 22882

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re application of:

Gary K. Michelson

Serial No: 10/047,545

Filed: January 16, 2002

For: **THREADED FRUSTO-CONICAL
INTERBODY SPINAL FUSION IMPLANTS**

Confirmation No.: 4993

Art Unit: 3764

Examiner: Michael Brown

Mail Stop RCE
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Dear Sir:

Further to the Advisory Action dated November 30, 2005, transmitted herewith is a Request for Continued Examination (RCE) and Amendment in reply to the Office Action dated August 10, 2005 in the above-identified application.

- ☐ No additional fee is required.
- ☒ Applicant hereby requests a third-month extension of time to respond to the above office action (noting that a one-month extension of time was previously paid on November 11, 2005).
- ☒ An Information Disclosure Statement and Form PTO-1449 with 1 document including translation are enclosed.

The fee has been calculated as shown below:

	(Col. 1) CLAIMS REMAINING AFTER AMENDMENT		(Col. 2) HIGHEST NUMBER PREVIOUSLY PAID FOR	(Col. 3) PRESENT EXTRA*	LG/SM \$ ENTITY FEE		ADD'L FEE DUE
TOTAL CLAIMS FEE	64	-	70 **	0	LG=\$50 SM=\$25	\$50	\$ 0
INDEPENDENT CLAIMS FEE	3	-	3 ***	0	LG=\$200 SM=\$100	\$200	\$ 0
FIRST PRESENTATION OF MULTIPLE DEPENDENT CLAIMS					LARGE ENTITY FEE = \$380 SMALL ENTITY FEE = \$180		\$ 0
TOTAL							\$ 0

* If the entry in Col. 1 is less than the entry in Col. 2, write "0" in Col. 3.

** If the "Highest Number Previously Paid For" IN THIS SPACE is less than 20, write "20" in this space.

*** If the "Highest Number Previously Paid For" IN THIS SPACE is less than 3, write "3" in this space. The "Highest Number Previously Paid For" (Total or Independent) is the highest number found from the equivalent box on Col. 1 of a prior amendment or the number of claims originally filed.

- ☒ The total amount of \$1,690.00 to cover the \$900 third-month extension of time fee and \$790 RCE fee is to be charged to Deposit Account No. 50-3726.
- ☒ The Commissioner is hereby authorized to charge any deficiencies of fees associated with this communication or credit any overpayment to Deposit Account No. 50-3726. A copy of this sheet is enclosed.
- ☒ Any filing fees under 37 C.F.R. § 1.16 for the presentation of extra claims
- ☒ Any patent application processing fees under 37 C.F.R. § 1.17

Respectfully submitted,
MARTIN & FERRARO, LLP

Date: January 27, 2006

By: 
Thomas H. Martin
Registration No. 34,383

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Transmittal of RCE and Amendment.DOC